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June 20, 2019

**Via ECFS**

Ms. Marlene Dortch  
Federal Communications Commission  
445 12th Street SW  
Washington, DC 20554

**Re: Notice of *Ex Parte*, PS Docket No. 07-114 and PS Docket No. 18-261**

Dear Ms. Dortch,

Pursuant to Section 1.1206 of the Commission's rules, 47 C.F.R. § 1.1206, this letter provides notice that on June 20, 2019, Charles H. Simon, Jr., CEO and Founder, Precision Broadband LLC ("Precision Broadband"), spoke by phone with Eric Burger, FCC Chief Technology Officer.

During this call, we discussed the points made in our filed comments and reply comments to PS Docket No. 07-114.<sup>1</sup>

Specifically, we recommended that the Commission develop rules for facilities-based ISPs to provide 911 location services for broadband-connected devices. Since Internet service is classified as a Title I information service (versus Title II telecommunications service), we acknowledge that some would argue that ISPs were not subject to such regulation. However, we would like to believe that the Commission has the discretion of defining what entities and communication services are subject to 911 rules, regardless of the Title I or Title II classification. Furthermore, the Title I and Title II classifications as they relate to Internet services do not appear to be fixed in law. The Commission, at various times, has exercised its authority to apply Title I or parts of Title II to ISPs without requiring new legislation. In 2015, the Commission applied parts of Title II to Internet service<sup>2</sup> and, in 2018, the FCC reclassified Internet service back to Title I.<sup>3</sup>

Precision Broadband does not advocate heavy-handed regulations on ISPs. However, we must recognize that broadband's role and influence in society has changed dramatically since the Telecommunications Act of 1996 was enacted. Today, more than 83% of households have fixed broadband service in their homes. Less than 42% of

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<sup>1</sup> Comments of Precision Broadband LLC, PS Docket No. 07-114 (filed May 20, 2019), *available at* <https://ecfsapi.fcc.gov/file/1052037980575/Precision%20Broadband%20Comments-PS%2007-114%202019-5-20%20.pdf>. Reply Comments of Precision Broadband LLC, PS Docket No. 07-114 (filed June 7, 2019), *available at* <https://ecfsapi.fcc.gov/file/10607227049000/Precision%20Broadband%20Reply%20Comments-PS%2007-114%202019-6-7-Final%20.pdf>

<sup>2</sup> *Protecting and Promoting the Open Internet*, GN Docket No. 14-28, Report And Order On Remand, Declaratory Ruling, And Order (March 12, 2015).

<sup>3</sup> *Restoring Internet Freedom*, WC Docket No. 17-108, Declaratory Ruling, Report and Order, and Order (January 4, 2018).

households have landline telephone service. For nearly everyone, broadband is a “lifeline service” – for communications, employment, commerce, education, information, and ultimately, public safety.

I reiterated that our Fixed Broadband 911 system is technologically feasible, scalable and effective at providing an accurate indoor location for broadband-connected devices (particularly CMRS wireless phones). It has been our position that with the right incentives, the ISPs would willingly support a practical technology for public safety and commercial reasons. As stated in our written comments, we recommend that the Commission “explore compensation models to incentivize ISPs to support E911 location services”. We believe Precision Broadband’s system would allow ISPs to be compensated for these services while maintaining the privacy of their customer data.

If you have questions or need additional information, please contact me anytime.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Charles H. Simon, Jr.", with a stylized flourish at the end.

Charles H. Simon, Jr.

cc: Eric Burger (via email)